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Subject: RE: Notice 2008-90

Notice 2008-90 applies to very few situations and does not limit an examiner's ability to raise most issues in connection with charitable contributions of inventory. The Notice allows a taxpayer who otherwise qualifies for a charitable contribution "enhanced" deduction under section 170(e)(3) to use the "limited-to-basis" deduction under section 170(e)(1)(A) instead. It does not prevent an examiner from challenging any other issues regarding the contribution under section 170 or other applicable provisions (including, for example, the amount of the taxpayer's basis, fair market value, adjustments to cost of goods sold, or substantiation).